

DECISION



23954
THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

FILE: B-210156

DATE: January 6, 1983

MATTER OF: Art's Supplies & Services

DIGEST:

GAO generally will not review a contracting officer's determination of nonresponsibility with respect to a small business bidder since by law the Small Business Administration is empowered to conclusively determine the responsibility of a small business.

Art's Supplies & Services (Art's) protests the rejection of its bid by the Department of the Navy under Solicitation No. N00604-82-B-A186 for sheetmetal services. Art's alleges that it became aware of the rejection from a letter dated December 2, 1982 which it received from the U. S. Small Business Administration (SBA). Art's asserts that neither this letter nor anything else has provided any reason for the rejection, and suggests that the Navy has a "negative attitude" toward it.

The SBA letter indicates that the Navy found Art's nonresponsible and referred the matter to the SBA as required by 15 U.S.C. §637(b)(7) (Supp.IV 1980), which provides that no small business concern may be precluded from award because of nonresponsibility without referral of the matter to the SBA for a final disposition under the Certificate of Competency (COC) procedure. Wallace & Wallace, Inc., Wallace & Wallace Fuel Oil, Inc., B-209859; B-209860, December 2, 1982, 82-2 CPD. The letter further invited Art's to apply for a COC.

The question of Art's responsibility is not for consideration by our Office. The SBA is empowered to certify conclusively to Government procuring officials with regard to all aspects of a small business' responsibility.

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Therefore, it would be inappropriate for our Office to consider the nonresponsibility determination since that would amount to our substituting for the agency specifically authorized by statute to review such determinations. Johnson & Wales College; NonPublic Educational Services, Inc., B-204575; B-204912, March 3, 1982, 82-1 CPD 190.

The protest is dismissed.

Harry R. Van Cleve
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Acting General Counsel